

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STATE OF TEXAS,

Plaintiff,

v.

**JOSEPH R. BIDEN, JR., in his official capacity
as President of the United States, et al.,**

Defendants.

No. 4:21-CV-00579-P

**UNOPPOSED MOTION OF JUSTICE ACTION CENTER FOR LEAVE TO FILE BRIEF
OF AMICI CURIAE 29 LEGAL SERVICE AND ADVOCACY ORGANIZATIONS IN
OPPOSITION TO PLAINTIFF'S RENEWED MOTION FOR PRELIMINARY
INJUNCTION**

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**pro hac vice application forthcoming*

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Pursuant to Local Rules 7.1 and 7.2(b), Justice Action Center respectfully seeks leave to file the attached Brief of *Amici Curiae* in opposition to Texas's Renewed Motion for a Preliminary Injunction and its brief in support. *See* Dkt. Nos. 67-68. *Amici Curiae* are 29 legal service and advocacy organizations who serve immigrant communities throughout the country, including many along the border in Texas, Arizona, and California.¹ *Amici* are invested in ensuring that all people, including immigrants, are treated with dignity and share a common mission of advancing and protecting the constitutional and statutory rights of individuals seeking asylum and legal status in the United States. *Amici* have worked for decades to improve immigrants' access to legal services and representation, to ensure immigrants arriving in the United States can pursue all relief they are entitled to seek under the law, and to ensure immigrants' constitutional due process and other rights are upheld.

Collectively, *amici* provide direct legal services to tens of thousands of immigrants annually. Relevant here, many of *amici*'s clients seek relief at the U.S.-Mexico border and since March 2020 have been subject to Defendants' policy of summarily expelling immigrants pursuant to a purported health order under 42 U.S.C. § 265 (the "Title 42 Policy"). Also relevant to this case, several of *amici* are contracted by the federal government to represent unaccompanied children, a particularly vulnerable population to which Congress has afforded special substantive and procedural rights in immigration proceedings. In addition to providing direct legal services, *amici* have litigated to protect immigrants' rights to access asylum and other relief under U.S. law

¹ *Amici* are Al Otro Lado; American Immigration Council; Asylum Access; Asylum Access México (AAMX) A.C.; Catholic Legal Immigration Network, Inc.; Center for Civic Policy; Center for Gender and Refugee Studies; Comunidad Maya Pixan Ixim; Disciples Immigration Legal Counsel; First Focus on Children; Florence Immigrant and Refugee Rights Project; FWD.us; Immigrant Defenders Law Center; Innovation Law Lab; International Mayan League; Justice Action Center; Justice for Our Neighbors El Paso; Kids in Need of Defense ("KIND"); Kino Border Initiative; La Raza Centro Legal SF; La Raza Community Resource Center; Migrant Center for Human Rights; National Immigration Law Center; National Immigration Project ("NIPNLG"); Project Corazon, Lawyers for Good Government; the Refugee and Immigrant Center for Education and Legal Services ("RAICES"); Refugees International; Student Clinic for Immigrant Justice, Inc.; and Taylor Levy Law.

and have appeared as *amici* in cases like this one that impact their organizational missions and ability to serve clients.

Given their work representing and advocating for immigrants in general, and unaccompanied children and families in particular, *amici* have a compelling interest in the outcome of this litigation. *Amici* respectfully submit this brief to assist the Court in evaluating the merits of Plaintiff's pending Renewed Motion for Preliminary Injunction. *Amici* believe that their expertise and experience working with individuals subject to the Title 42 Policy will offer the Court a unique perspective as to the public interest and why it overwhelmingly favors upholding Defendants' decisions to except unaccompanied children and families from the policy.

For the foregoing reasons, Justice Action Center respectfully requests that the Court grant its unopposed motion for leave to file the Brief of *Amici Curiae* 29 Legal Service and Advocacy Organizations in Opposition to Plaintiff's Renewed Motion for Preliminary Injunction, attached hereto as **Exhibit A**.

Dated: September 24, 2021

O'MELVENY & MYERS LLP

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**pro hac vice application forthcoming*

*Counsel for Amici Curiae 29 Legal
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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(b), counsel for *Amici Curiae* conferred with counsel for both Plaintiff and Defendants by email on September 20, 2021, to determine whether they oppose the Motion for Leave. By email dated September 21, 2021, counsel for Defendants stated that Defendants have no opposition to the Motion for Leave. By email dated September 21, 2021, counsel for Plaintiff stated it also has no opposition to the Motion for Leave.

/s/ Emma L. Persson
Emma L. Persson

CERTIFICATE OF SERVICE

I certify that on September 24, 2021, the foregoing motion was electronically submitted to the Clerk of Court for the U.S. District Court for the Northern District of Texas using the Court's electronic case filing system. Accordingly, notice of this filing will be sent to all counsel of record.

/s/ Emma L. Persson
Emma L. Persson